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Message Text

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PAGE 01 MANILA 04176 121157 Z

10
ACTION L-03

INFO OCT-01 EA-11 ADP-00 JUSE-00 SCA-01 PM-09 DODE-00

CIAE-00 INR-10 NSAE-00 RSC-01 SS-15 NSC-10 PRS-01

RSR-01 /063 W
---------- 050475
P 120935 Z APR 73
FM AMEMBASSY MANILA
TO SECSTATE WASHDC PRIORITY 4417

C O N F I D E N T I A L MANILA 4176

E. O. 11652: GDS
TAGS: PFOR, RP
SUBJECT: US- RP EXTRADITION TREATY

REF MANILA 3716

BEGIN SUMMARY: IN MEETING WITH DFA UNDERSEC INGLES ON APR 11 POL COUNSELOR EXPLAINED US VIEWS ON INCLUSION OF RETROACTIVITY PROVISION IN EXTRADITION TREATY AND SOUGHT FURTHER CLARIFICATION OF PHIL POSITION ON THIS MATTER. INGLES WILL HOLD CONSULTATIONS WITH COLLEAGUES ON GOP NEGOTIATING TEAM (AND PRESUMABLY WITH HIGHER AUTHORITIES) ON THIS POINT AND SAID HE WOULD INFORM EMBASSY OF RESULTS. HE SUGGESTED HIS PROPOSAL OF MAY 2 DATE FOR BEGINNING OF NEGOTIATIONS BE HELD IN ABEYANCE.
ACTION REQUESTED: REQUEST DEPT INFORM EMBASSY OF ITS POSITION IF GOP INSISTS ON HOLDING RETROACTIVITY QUESTION OPEN FOR CONSIDERATION BY NEGOTIATING PANELS. EMBASSY ALSO DESIRES INDICATION OF WHETHER US TEAM ABLE TO MEET MAY 2 OR LATER IN MAY OR AT ANOTHER TIME IN SUBSEQUENT MONTHS. END SUMMARY.

1. DURING APR 11 CALL ON DEPT FORNAFF (DFA) UNDERSEC JOSE INGLES (SCHEDULED TO BE CHAIRMAN OF GOP EXTRADITION TREATY NEGOTIATING TEAM) ARRANGED BY AMBASSADOR PLANA, CHAIRMAN OF GOP EXTRADITION TREATY WORKING GROUP, POL COUNSELOR SOUGHT FROM INGLES FURTHER CLARIFICATIONOF
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Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

GOP POSITION ON RETROACTIVITY PROVISION IN PROPOSED TREATY.

2. IN RESPONSE TO INGLES' QUERY AS TO WHY NEGOTIATING PANELS COULD NOT DEAL WITH RETROACTIVITY QUESTION DIRECTLY, POL COUNSELOR REMINDED INGLES OF PURPOSE OF WORKING GROUPS TO EXPLORE INTENTIONS AND EXPECTATIONS OF BOTH SIDES PRIOR TO SCHEDULED NEGOTIATIONS (AS RELAYED IN EMBASSY DIPLOMATIC NOTE OF DEC 11, 1972). IN THIS CONNECTION HE EXPLAINED US AIM TO CONCLUDE SUCCESSFUL NEGOTIATION OF EXTRADITION TREATY WHICH COULD BE REASONABLY ASSURED OF RATIFICATION BY SENATE. FAILURE EITHER TO CONCLUDE NEGOTIATION OR OBTAIN RATIFICATION WOULD BE UNDERSIRABLE OUTCOME WHICH WOULD NOT SERVE PROMOTE GOOD RELATIONS BETWEEN PHILS AND US. HE NOTED FURTHER THAT WORKING GROUP MEETINGS HAD BEEN EXTREMELY USEFUL IN EXPOSING EXPECTATIONS OF BOTH SIDES AND RPOMOTING UNDERSTANDING OF CONCERNS OF EACH SIDE WITH RESPECT TO NUMBER OF PROBLEM POINTS.

3. POL COUNSELOR THEN NOTED OBSTACLE THIS QUESTION OF RETROACTIVITY-- AND PARTICULARLY ITS POLITICAL IMPLICATIONS IN CONNECTION WITH ALLEGED PRESIDENTIAL ASSASSINATION PLOT-- MIGHT PRESENT TO SUCCESSFUL CONCLUSION OF NEGOTIATIONS. INGLES COMMENTED THAT IT APPEARED US WOULD PREFER TO SEE ASSASSINATION PLOT PROBLEM HANDLED OUTSIDE TREATY FRAMEWORK. POL COUNSELOR THOUGHT IT WOULD BE DESIRABLE TO START EXTRADITION TREATY RELATIONSHIPS WITH " CLEAN SLATE." HE INDICATED HIS CONFIDENCE THAT USG WOULD PROVIDE ALL APPROPRIATE ASSISTANCE IN US IN ACCORDANCE WITH ITS LAWS IN ORDER HELP DETERMNE FACTS OF PLOT.

4. INGLES SAID HE WOULD HAVE TO CONSULT WITH HIS COLLEAGUES ON GOP NEGOTIATING PANEL (SOLICITOR GENERAL ESTELITO MENDOZA AND A MEMBER OF DEFENSE DEPT STILL TO BE SELECTED) BUT NOTED THIS MIGHT BE DIFFICULT SINCE HE WAS SCHEDULED LEAVE MANILA APR 13 TO ATTEND ASEAN MEETINGS IN THAILAND BEFORE RETURN OF MENDOZA FROM UN SEABED COMMITTEE MEETING IN NEW YORK ON APR 14. INGLES INDICATED THAT HE WOULD NEVERTHELESS DO ALL HE CULD ON THIS MATTER AND WOULD INFORM POL COUNSELOR AS SOON AS POSSIBLE. HE AGREED THAT IT WAS OBVIOUSLY ALSO IN PHIL INTEREST TO SEE FAVORABLE PROSPECTS

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FOR OUTCOME OF EXTRADITION TREATY NEGOTIATION. INGLES

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

THEN SUGGESTED THAT HIS PROPOSAL OF MAY 2 DATE FOR OPENING OF NEGOTIATIONS BE CONSIDERED TENTATIVE AND HELD IN ABEYANCE UNTIL IT WAS POSSIBLE FOR HIM TO COMMENT FURTHER ON PHIL POSITION.

COMMENT: IN ALL LIKELIHOOD INGLES WILL HAVE TO DISCUSS THIS MATTER WITH HIGHER AUTHORITY (PRESUMABLY MALACANANG) RATHER THAN WITH NEGOTIATING PANEL COLLEAGUES, ALTHOUGH VIEWS OF MENDOZA WILL ALMOST CERTAINLY BE SOUGHT WHEN HE IS AVAILABLE.

ACTION REQUESTED: DISCUSSION OFRETROACTIVITY IS RAPIDLY APPROACHING STICKING POINT. THEREFORE, IT WOULD BE HELPFUL IF EMBASSY COULD BE INFORMED POSITION DEPT WOULD WISH TO TAKE IN CASE GOP INSISTS ON HOLDING RETROACTIVITY QUESTION OPEN FOR NEGOTIATION WITH US NEGOTIATING TEAM. IT WOULD ALSO BE USEFUL IN ABILITY OF US TEAM TO AGREE TO MEETING ON MAY 2 OR LATER EITHER IN MAY OR A SUBSEQUENT MONTH WERE KNOWN TO EMBASSY. SINCE AVAILABILITY OF UNDERSEC INGLES, EITHER FOR CONSULTATION ON TIMING OF NEGOTIATION OR ACTUAL NEGOTIATING SESSION DURING APRIL IS PROBLEM DUE TO HIS COMMITMENTS TO ATTEND ASEAN MEETINGS AND ALSO UN MEETINGS IN NEW YORK THIS MONTH, HAVING INFORMATION REQUESTED ABOVE IN HAND COULD FACILITATE EMBASSY EFFORTS TO RESOLVE THIS MATTER.
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Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

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